

House File 249 - Introduced

HOUSE FILE 249

BY ROGERS and KAUFMANN

A BILL FOR

1 An Act relating to modification of a custody order based on the
2 relocation of a parent.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.21D, Code 2011, is amended to read
2 as follows:

3 **598.21D Relocation of parent as grounds to modify order of**
4 **child custody — level of care consideration in modifying.**

5 1. If a parent awarded joint legal custody and physical
6 care or sole legal custody is relocating the residence of the
7 minor child to a location which is one hundred fifty miles or
8 more from the residence of the minor child at the time that
9 custody was awarded, the court may consider the relocation a
10 substantial change in circumstances.

11 2. If the court determines that the relocation is a
12 substantial change in circumstances, in determining the best
13 interest of the child, the court may modify an existing order
14 that awarded joint legal custody and physical care to the
15 relocating parent and instead award joint legal custody and
16 physical care to the nonrelocating parent, if the court finds
17 that, in regard to the level of care provided by each parent,
18 the level of care provided by the nonrelocating parent is equal
19 to the level of care provided by the relocating parent. If
20 the court modifies the order and awards joint legal custody
21 and physical care to the nonrelocating parent, the court shall
22 modify the custody order to, at a minimum, preserve, as nearly
23 as possible, the existing relationship between the minor child
24 and the relocating parent. If modified, the order may include
25 a provision for extended visitation during summer vacations
26 and school breaks and scheduled telephone contact between
27 the relocating parent and the minor child. The modification
28 may include a provision assigning the responsibility for
29 transportation of the minor child for visitation purposes to
30 either or both parents.

31 3. If the court determines that the relocation is a
32 substantial change in circumstances, and the court modifies the
33 custody order retaining the provisions of the order awarding
34 joint legal custody and physical care or sole legal custody to
35 the relocating parent, the court shall modify the custody order

1 to, at a minimum, preserve, as nearly as possible, the existing
2 relationship between the minor child and the nonrelocating
3 parent. If modified, the order may include a provision for
4 extended visitation during summer vacations and school breaks
5 and scheduled telephone contact between the nonrelocating
6 parent and the minor child. The modification may include a
7 provision assigning the responsibility for transportation of
8 the minor child for visitation purposes to either or both
9 parents.

10 4. If the court makes a finding of past interference by
11 the a parent awarded joint legal custody and physical care
12 or sole legal custody with the minor child's access to the
13 other parent, the court may order the posting of a cash bond to
14 assure future compliance with the visitation provisions of the
15 decree. The supreme court shall prescribe guidelines for the
16 forfeiting of the bond and restoration of the bond following
17 forfeiting of the bond.

18 EXPLANATION

19 This bill amends provisions relating to relocation of a
20 parent as grounds for modification of a child custody order.
21 Current law provides that if a parent who has been awarded
22 joint legal custody and physical care or sole legal custody is
23 relocating the residence of the minor child to a location which
24 is 150 miles or more from the residence of the minor child
25 at the time that custody was awarded, the court may consider
26 the relocation a substantial change in circumstances. The
27 bill provides that if the court determines that the relocation
28 is a substantial change in circumstances, in determining the
29 best interest of the child, the court may modify the existing
30 order that awarded joint legal custody and physical care to
31 the relocating parent and instead award joint legal custody
32 and physical care to the nonrelocating parent, if the court
33 finds that, in regard to the level of care provided by each
34 parent, the care provided by the nonrelocating parent is equal
35 to the level of care provided by the relocating parent. If the

1 court does modify the order and awards joint legal custody and
2 physical care to the nonrelocating parent, the court is also to
3 modify the custody order to preserve, as nearly as possible,
4 the existing relationship between the minor child and the
5 relocating parent. Additionally, if the order is modified, the
6 order may include a provision for extended visitation during
7 summer vacations and school breaks and scheduled telephone
8 contact between the relocating parent and the minor child.
9 The modification may also include a provision assigning the
10 responsibility for transportation of the minor child for
11 visitation purposes to either or both parents.

12 Current law is retained regarding modification of the
13 order in a manner that retains the award of custody with the
14 relocating parent and the provisions relating to preserving the
15 existing relationship with the nonrelocating parent, extended
16 vacations and school breaks, telephone contact, and provision
17 for transportation of the minor child for visitation purposes
18 to either or both parents.

19 The bill amends the provision relating to posting of a cash
20 bond based on past interference by the relocating parent to
21 apply to both parents.